

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

## UNITED STATES DISTRICT COURT

for the

*Middle District*DEVON CRAFT #50147-066

Petitioner

v.

Case No.

1:21-CV-1159

(Supplied by Clerk of Court)

R. Thompson

Respondent

(name of warden or authorized person having custody of petitioner)

FILED  
SCRANTON

JUN 30 2021

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. ~~§ 2241~~ A.M.O.

## Personal Information

DEPUTY CLERK

1. (a) Your full name: DEVON CRAFT  
 (b) Other names you have used: Ali Craft, DAVON CRAFT.
2. Place of confinement:  
 (a) Name of institution: Low Security Correctional Institute - Allenwood  
 (b) Address: P.O. Box 1000  
White Deer, P.A. 17887
3. Are you currently being held on orders by:  
 Federal authorities     State authorities     Other - explain:  


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4. Are you currently:  
 A pretrial detainee (waiting for trial on criminal charges)  
 Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime  
 If you are currently serving a sentence, provide:  
 (a) Name and location of court that sentenced you: United States District Court  
Eastern District of Pennsylvania  
 (b) Docket number of criminal case: No. 2:96CR00376-001  
 (c) Date of sentencing: July 1, 1997  
 Being held on an immigration charge  
 Other (explain):  


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AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

## Decision or Action You Are Challenging

5. What are you challenging in this petition:

- How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)
- Pretrial detention
- Immigration detention
- Detainer
- The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- Disciplinary proceedings

Other (explain): The computation of my sentence is incorrect. I have an additional 11 months and 15 days placed on my sentence due to improper calculations of the BOP.

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: The BOP has added the (GCT), Good Conduct time to the sentence instead of subtracting it!!

(b) Docket number, case number, or opinion number: BPII no # 1031503-A1

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

On July 1, 1997 I was sentenced to 138 months. 78 months concurrent to Any sentence presently being served and all months consecutive to any sentence. The BPII was denied on 5-27-21

(d) Date of the decision or action: 5-27-21

## Your Earlier Challenges of the Decision or Action

7. First appeal

Did you appeal the decision, file a grievance, or seek an administrative remedy?

Yes       No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: I put in a BP 8 to my counselor.

(2) Date of filing: 6-11-20

(3) Docket number, case number, or opinion number: 1031503-F1

(4) Result: Denied

(5) Date of result: 7-17-20

(6) Issues raised: Incorrect Computation of sentence 620 GCT days not subtracted from 8-5-24. Max date of 7-22-25 incorrect due to 78 months being ran concurrent to Any time presently being served and I served an

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

*entire term of 25 years in custody.*

(b) If you answered "No," explain why you did not appeal:

## 8. Second appeal

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

 Yes       No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: *Federal Bureau of Prisons Northeast Regional Office.*(2) Date of filing: *7-1-20*(3) Docket number, case number, or opinion number: *1031503-R1*(4) Result: *Denied*(5) Date of result: *January 11, 2021*(6) Issues raised: *Incorrect computation of GCT to take from sentence. Time incorrect release date incorrect.*

(b) If you answered "No," explain why you did not file a second appeal:

## 9. Third appeal

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

 Yes       No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: *Office of General Counsel**FBOP*(2) Date of filing: *3-25-21*(3) Docket number, case number, or opinion number: *1031503-A1*(4) Result: *Denied*(5) Date of result: *5-27-21*(6) Issues raised: *Incorrect addition of GCT to sentence to impose more time in prison than judgement. Incorrect computation of time.*

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

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(b) If you answered "No," explain why you did not file a third appeal:

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10. Motion under 28 U.S.C. § 2255

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes  No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes  No

If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Date of filing: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

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(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes  No

If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Date of filing: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

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- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: *The conviction was a guilty plea.*

*The sentence is correct by the courts. The BOP has added time to the sentence both incorrectly adding GCT days to the sentence giving me an additional 11 months and 15 days or 350 to be correct.*

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes  No

If "Yes," provide:

(a) Date you were taken into immigration custody: \_\_\_\_\_

(b) Date of the removal or reinstatement order: \_\_\_\_\_

(c) Did you file an appeal with the Board of Immigration Appeals?

Yes  No

If "Yes," provide:

(1) Date of filing: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Result: \_\_\_\_\_

(4) Date of result: \_\_\_\_\_

(5) Issues raised: \_\_\_\_\_

(d) Did you appeal the decision to the United States Court of Appeals?

Yes  No

If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Case number: \_\_\_\_\_

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes  No

If "Yes," provide:

(a) Kind of petition, motion, or application: \_\_\_\_\_

(b) Name of the authority, agency, or court: \_\_\_\_\_

(c) Date of filing: \_\_\_\_\_

(d) Docket number, case number, or opinion number: \_\_\_\_\_

(e) Result: \_\_\_\_\_

(f) Date of result: \_\_\_\_\_

(g) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: On 7-1-1997 I was sentenced to 138 months imprisonment. 78 months to run concurrently to my sentences presently being served. I was arrested June 22, 1996 one year before sentencing. No presentence time has been awarded nor the completion of the 78 months concurrent sentence.

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

## (a) Supporting facts (Be brief. Do not cite cases or law.):

A sentence to a term of imprisonment commences on the date the defendant is received in custody awaiting transportation to or arrives voluntarily to commence service at the official detention facility at which sentence is to be served. Any part of a day in official ~~detention~~ detention as a full day for prior custody time credit purposes.

## (b) Did you present Ground One in all appeals that were available to you?

Yes       No

GROUND TWO: The 78 month sentence was expired on 12-21-2002 with GCT Good Conduct Days credit of 350 days. To be applied to the remaining detainer of the consecutive sentence of 60 months minus 11 months 30 days.

## (a) Supporting facts (Be brief. Do not cite cases or law.):

6-22-1996 + 6 years + 6 months = 12-21-2002  
for a sentence that was imposed concurrent to any sentence presently being served all pre-trial official detainers counts towards sentence.

## (b) Did you present Ground Two in all appeals that were available to you?

Yes       No

GROUND THREE: The (60) month sentence portion of my sentence was the final leg of the sentence imposed. After being paroled 8-6-2019 + A 60 month federal detainer my MAX DUE DATE is 8-5-24. Minus 620 days GCT Good Conduct time!!

## (a) Supporting facts (Be brief. Do not cite cases or law.):

Paroled 8-6-19 / 60 month sentence for Consecutive Federal Sentence.  
8-5-2019 + 5 years = 8-5-2024  
8-5-2024 - 620 days GCT = 1 year 8 months 20 days  
8-5-2024 - 1 year 8 months 20 days  
8-5-2024 - 1 year = 8-5-23 - 8 months = 12-5-22  
12-5-22 - 20 = (11-16-22) released date!!

## (b) Did you present Ground Three in all appeals that were available to you?

Yes       No

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

GROUND FOUR: All time in official detention counts towards the service of a sentence imposed especially one that is stated on record. No prior time credit is shown in these calculations. Why is the Date Computation Begon 1-32-14?

(a) Supporting facts (Be brief. Do not cite cases or law.)

Judgement statement.  
Signed July 2, 1997

(1-32-14) I was still serving time in the P.A. DOC. Why did the BOP pick this date to begin my computation when I was already incarcerated since 6-22-1996. I was sentenced July 1, 1997.

(b) Did you present Ground Four in all appeals that were available to you?

Yes       No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

On the last appeal the BOP added (GCT) days to my sentence as if it was imposed by a judge

#### Request for Relief

15. State exactly what you want the court to do:

I want the courts to correct my release date as the sentence was imposed. 78 months concurrent sentence completed with 350 GCT days earned. 60 months from 8-5-19 with 20months 20 days GCT deducted from sentence for True release date of 11-16-22

$$\begin{array}{r}
 8-6-2019 \\
 + \quad \quad \quad 5 \\
 \hline
 8-5-2024 \\
 - 6-20-0001 \\
 \hline
 11-16-2022
 \end{array}
 \qquad
 \begin{array}{r}
 8-5-2024 \\
 - \quad \quad \quad 1 \\
 \hline
 8-5-2023 \\
 - \quad \quad \quad 8 \\
 \hline
 12-5-2022 \\
 - \quad \quad \quad 20 \\
 \hline
 \end{array}
 \qquad
 \begin{array}{l}
 620 GCT \\
 Good \\
 concurrent \\
 Time!
 \end{array}$$

78 months prior  
prison

time  
350 days earned!!

11-16-2022

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

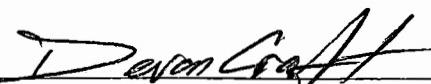
Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

6-27-2021

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 6-27-21



*Signature of Petitioner*

*Signature of Attorney or other authorized person, if any*

LSCI - Allenwood  
P.O. Box 1000  
White Deer, PA. 17887

RECEIVED  
SCRANTON

JUN 30 2021

PER SJ  
DEPUTY CLERK

↔50147-066↔  
Us Distric Court Of Pa Middle  
235 N Washington AVE  
Scranton, PA 18501  
United States

